

**LONDONDERRY TOWNSHIP BOARD OF SUPERVISORS' MEETING
TUESDAY, JULY 14, 2009**

CALL TO ORDER: The BOS I meeting was called to order by Supervisor Richard Brown at 7:31 PM. Supervisors Richard Brown, Midge Leitch, Gene Wier and Township Engineer Bob Johnston were in attendance.

COMMENTS FROM THE PUBLIC: None

MINUTES: The minutes of the June 22, 2009 (BOS II) meeting had been previously distributed to the BOS, read and found to be correct. Richard Brown made a motion to accept the Minutes as written and Gene Wier seconded the motion. The vote was 3-0 in favor.

TREASURER'S REPORT: A Treasurer's Report was not available. The Report will be reviewed at the BOS II Meeting on 07-27-2009.

OPEN SPACE LOAN / REDCAY CONSERVATION EASEMENT: Richard Brown introduced Thomas J. O'Neill of the law offices of Lamb McErlane PC located in West Chester, PA. Mr. O'Neill explained the \$765,000 term loan was to be used to acquire interests in real estate by which open space would be preserved. The interest rate from National Penn Bank was at a fixed rate of 4.02% for the first five (5) years of a 15 year period. At the end of each 5 year period the rate would be reset to a per annum rate equal to the tax free equivalent rate to the Bank of the Federal Home Loan Bank of Pittsburgh Five Year Fixed Rate plus 300 basis points. The maximum aggregate rate of interest charged will not exceed twelve percent (12%) and there is no penalty for prepayment. The date of closing for this loan is scheduled for Friday, August 14, 2009. Mr. O'Neill stated that the 07-14-2009 BOS meeting had been advertised in the Daily Local News newspaper.

OPEN SPACE ORDINANCE (#04-2009) AUTHORIZING INCURRANCE OF DEBT BY LONDONDERRY TOWNSHIP: Mr. O'Neill explained that the Ordinance described the project of Redcay and was a covenant requiring Londonderry Township to repay the principal and interest of the loan over a 15 year period. Further the Ordinance authorized the appointment of a paying agent and sinking fund depository (National Penn Bank), created a sinking fund, and authorized the Board of Supervisors to certify and file with the Pennsylvania Department of Community and Economic Development certified copies of the necessary proceedings. Richard Brown said the development rights for the property would be held by the Brandywine Conservancy. Supervisor Leitch had questions regarding the Federal Home Loan Bank of Pittsburgh and the selected interest rate which Mr. O'Neill answered by saying banks do not want to lend money beyond 5 years and that there must be a vehicle to set the rate for the next five (5) years.

Richard Brown made a motion to adopt the Ordinance as presented. Gene Wier seconded the motion and the vote was unanimous.

TOWNSHIP REPORTS:

- A. ZONING OFFICER/BUILDING INSPECTOR:** Richard Brown read portions of the Zoning Officer's report. There were ten (10) building permits and one (1) demolition permit issued. Total fees collected for all permits totaled \$8,051.77. Six (6) Use and Occupancy permits were issued and fifteen (15) various construction inspections were conducted. A Conditional Use Hearing will be scheduled for 355 Faggs Manor Road to review existing Use restrictions.
- B. ROAD MASTER:** On July 10, 2009 Supervisors Richard Brown and Gene Wier met with Roadmaster Allen Reynolds to conduct the 2009 Road Inspection Tour. Supervisor Brown explained that a section of Faggs Manor Road will require repaving near a guard rail; the guard rail may require replacement and/or relocation; and perhaps installation of a new guard rail adjacent to a mushroom house. Supervisor Wier asked about repaving the section near the old Styer's nursery, but Richard Brown explained the Township will not commit funds to such a project as the developer of the adjoining property will repave this road. Jan Andress of Government Specialists said she was unaware of when the development of West Wind would commence. Gene Weir said he used this road every day and that black top had been spread over the pot holes by the State.
- C. EMERGENCY MANAGEMENT:** No Report
- D. PLANNING COMMISSION (PC):** Rich Brown read excerpts from PC Chairman Rich Henryson's report. Manor Presbyterian Church is awaiting LDT Solicitor Stacey Fuller's review concerning road right-of-ways. A sample Ordinance was reviewed for the Act 537 Plan and the PC felt the Township should be divided into three (3) sections that would have approximately the same amount of septic tanks and would keep the monitoring workload more equal. The Trail Network Inventory was reviewed and it was suggested a university student, off for the summer, might fill in the information. Recently Diane and Rich Henryson walked the New Daleville trail as did Richard Brown and Allen Reynolds at the East Elk Nature Preserve. Richard Brown asked Gene Wier to report on the Barnsgate trail. Mr. Wier said the Barnsgate trail was not currently used much. There was discussion regarding the detailed information requested for the Trail Inventory.
- E. OPEN SPACE COMMITTEE (OSC):** The June 17th meeting was cancelled. The next meeting will be held on Wednesday, 07-15-2009 at 5:30 PM.
- F. HISTORICAL COMMITTEE (HC):** Richard Brown said the Township is continuing to bask in the success of the 275th Anniversary Celebration. The HC will take some well deserved time off with the next HC Meeting to be on Tuesday, 09-22-2009 at 7:00 PM.

G. WEBSITE/NEWSLETTER: Midge Leitch said the next issue of the LDT Newsletter will feature the 275th Celebration and will be published in August. Secretary Janice Hearne was asked to email Webmaster Bill Wuhrman regarding the possibility of posting Celebration pictures on the website.

OLD BUSINESS:

A. MUNICIPAL GRANT PROGRAM ROUND XVIII PARK DEVELOPMENT GRANT: Richard Brown said the written response was mailed.

B. 275th ANNIVERSARY CELEBRATION – Dignitary Presentations:

1. Joseph Pitts, US House of Representatives – Certificate of Recognition and Flag
2. Dominic Pileggi, PA Senate – Congratulations
3. Thomas Houghton, PA House of Representatives, 13th District – Special Citations to: Dr. Barbara Stewart, Virginia Brown, Hank and Marty Detering.
4. Chester County Board of Commissioners, Congratulations signed by Terence Farrell, Carol Aichele, and Kathi Cozzone. Presented by Kathi Cozzone.

C. RECOGNITION FOR OUTSTANDING SERVICE – Presented by Midge Leitch representing the BOS:

1. Virginia Brown for her work on the Township Park
2. Hank and Marty Detering for their work on the East Elk Nature Preserve
3. Diane Henryson for her leadership on the 275th Anniversary Celebration
4. Manor Presbyterian Church for hosting the Harp Concert
5. Dennis Miller for his musical contribution at several LDT events
6. Barbara Stewart for her expertise with plantings in the Township Park
7. Charlotte Wrigley for her lifelong commitment to LDT
8. Bill Wuhrman for his service in creating and updating the LDT website
9. Jennifer Zduniak for her creativity and expertise as editor of the LDT Newsletter

D. MANOR PRESBYTERIAN CHURCH: To provide a better understanding of the reverse subdivision plan, Bob Johnston said a motion was required to take action on the plan. Once the Township had taken action then documents would be forwarded to Solicitor Stacey Fuller to be recorded in the Courthouse. In a Gilmore letter dated 06-17-2009 Bob Johnston stated “The current plans and the legal description, as re-submitted, are in substantial compliance with the Township’s Subdivision and Land Development Ordinances. Therefore, I recommend that this plan be considered for approval”. Richard Brown made a motion to accept the Manor Presbyterian Church Reverse Subdivision Plan and to accept the offer of dedication for the right-of-ways. Midge Leitch seconded the motion. The vote was unanimous. Bob Johnston will

assist Secretary Hearne with the documents to be provided to Solicitor Stacey Fuller.

- E. NEW DALEVILLE HUMP REMOVAL:** Bob Johnston has been working on this issue and keeping the Township apprised of his efforts through emails. Mr. Johnston explained he could find no time limit for the hump removal specified on any of the documents, but a project of this type is typically done once the development project is complete. There are funds in escrow specifically for this project as well as provisions in the Bond Agreement.
- F. HONEYCROFT CONDITIONAL USE HEARING DECISION:** Richard Brown asked if each of the BOS had read the Findings of Fact and were comfortable with the Findings. They answered in the affirmative. Richard Brown explained the Conditional Use Hearing was held on June 9, 2009 to allow a change in the Final Plans of the Honeycroft Subdivision. Midge Leitch indicated that the draft from LDT Solicitor Stacey Fuller was the one which LDT was adopting and that as there had been no contradictory response from the attorney for Brian Campbell, Mary Ann Rossi, the BOS assumes that it is acceptable to Mr. Campbell. There has been no further communication from Mr. Venditta since the June 9, 2009 Hearing. There was no further discussion.

Richard Brown made a motion that the conditional use approval be GRANTED, subject to the following conditions:

1. An application for approval of a revised final land development plan shall be submitted by the Applicants and reviewed by the Township and its consultants as required by the Londonderry Township Zoning and Subdivision and Land Development ordinances.
2. Except as herein amended or as amended by the land development review and approval of the revised plan, Applicants shall continue to comply with all conditions to the prior land development plan approval.
3. The community utility shall provide sanitary sewage service only to Honeycroft Village and the capacity of the community utility previously approved as a conditional use by this Board shall be reduced to that which is needed to serve the 264 units approved herein. No sewage, septage or other sewage waste generated shall be permitted to be deposited, disposed, treated from outside the limits of the Honeycroft Village development nor a main extension allowed to collect and convey sewage from outside the Honeycroft Village development property lines.
4. Honeycroft Village shall remain an age-qualified community with at least 80% of its units being occupied by persons aged 55 or older.
5. Applicant shall submit a fully executed Memorandum of Understanding [Exhibit A-13] and the chart as described therein prior to approval of the revised final plan for Honeycroft.

6. The Applicants shall provide adequate landscape screening around the existing temporary storage tank and, if the tank is to remain on the site after August 1, 2010, then the tank shall be painted an earth tone color.
7. The proposed construction and use of the subject property shall be in conformance with the plans, specifications, testimony and evidence presented to the Board.

The motion was seconded by Gene Wier and the vote was unanimous.

NEW BUSINESS:

A. THREE PROPOSED ORDINANCES: Richard Brown announced there were three (3) Ordinances currently ready to be sent to the Chester County Planning Commission for Act 247 Review. Therefore, Richard Brown made a motion to authorize LDT Solicitor Stacey Fuller to send the following three (3) ordinances to the Chester County Planning Commission for Act 247 Review:

1. **AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EXISTING ZONING ORDINANCE, AS AMENDED, REGARDING MINIMUM LOT AREA IN OPEN SPACE DESIGN.**
2. **AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EXISTING SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AS AMENDED, REGARDING INTERIOR LOTS**
3. **AN ORDINANCE OF LONDONDERRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE EXISTING SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AS AMENDED, REGARDING TIMING AND COMMUNICATION OF DECISIONS ON AND CONTENT OF PRELIMINARY AND FINAL PLANS.**

Supervisor Gene Wier seconded the motion and the vote was unanimous.

ANNOUNCEMENTS/CORRESPONDENCE:

- A. DETERING THANK YOU NOTE:** Richard Brown read the note received from Hank and Marty Detering thanking the Township for the honors they received at the 275th Anniversary Celebration.
- B. PARKESBURG LIBRARY THANK YOU NOTE:** The thank you note from the Parkesburg Library Board of Trustees for the LDT contribution of \$2,200.00 was read by Richard Brown.
- C. "ECHOES IN THE GLEN" BOOK:** On behalf of the Township Richard Brown accepted an autographed copy of the book "Echoes in the Glen – St. Malachi's of Doe Run" written and photographed by Kathleen Hood. This book illustrates the beautiful countryside and natural surroundings of Londonderry Township.
- D. MANCHIO CONDITIONAL USE HEARING:** The CU Hearing will be advertised and held on August 11, 2009 at 7:00 PM at the LDT Municipal Building.

- E. BILL BEERS UPDATE:** Richard Brown said Bill Beers is doing much better, is on crutches, driving, and working half time. He expects to be back full time in 4 weeks or so.
- F. DENNIS PENN:** The Township was advised of the untimely passing of Dennis Penn, the son of Raymond Penn of the Planning Commission. The Township will make a contribution to Dennis' favorite charity in the amount of \$50.00.
- G. ARCADIA CHANGE OF ADDRESS:** Bob Johnston asked Secretary Hearne to notify Solicitor Stacey Fuller of the address change for Arcadia Land Company.
- H. LONDONDERRY SHOPS:** Bob Johnston informed the BOS regarding a conversation he had with Shimon Guy, engineer for Sander Cohen/Londonderry Shops. Another company contracted by Mr. Cohen will be doing perk tests on the site. Mr. Cohen has submitted or is in the process of submitting an application for a Planning Module from the PA DEP. This issue will be discussed at the next Planning Commission meeting on 07-21-2009.
- I. LAND STUDIES AND MICOLUCCI / RAND PROPERTIES:** Richard Brown explained the stream originates in the New Daleville/Country Walk area. Down stream there is elevated sediment and sediment tends to smother stream beds. On the Micolucci property there has been some erosion of the stream banks. The plan is to bulldoze the banks so that during heavy rain the stream will overflow its banks rather than cut into the banks. Some of the neighbors have expressed opposition to this project stating the long term impact of this project is unknown and it is extremely expensive. Richard Brown explained that the Grant requires LDT endorsement and the BOS should consider this project prior to the August BOS meeting on 08-11-2009. LDT resident, Bob Mills, commented that the stream was quite picturesque. In response to Rich Henryson, Richard Brown said the stream appeared to be no closer to the Rand house than at the time Mrs. Rand purchased the property. It was suggested that this project was designed to provide a stream that was safer for horses and children. Midge Leitch suggested dissenters should have an opportunity to express their views in a formal forum (i.e. public meeting).

**CURRENT BILLS WERE REVIEWED AND PAID IN THE USUAL MANNER.
ADJOURNMENT:**

A motion to adjourn was made by Richard Brown at 9:00 PM and seconded by Midge Leitch. The vote was unanimous.

Respectfully submitted,

Janice H. Hearne
Administrative Secretary